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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,484	01/26/2005	Withold Richert,	HM-613PCT	3831
40570	7590	08/22/2007		
FRIEDRICH KUEFFNER 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017			EXAMINER YEE, DEBORAH	
			ART UNIT 1742	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/522,484	Applicant(s) RICHERT, WITHOLD	
	Examiner Deborah Yee	Art Unit 1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1-26-05</u> | 6) <input type="checkbox"/> Other: ____  |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1,4, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claims 1,4 and 6, the phrase "preferably" or "especially" renders the claim indefinite and speculative, and should be omitted.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,2,4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent 5-59446 (hereinafter JP'446), Japanese patent 2000-94100 or Japanese patent 5-255816 (hereinafter JP'816).
6. The English abstract of JP'446, JP'100 or JP'816, each teach a process for the continuous production of steel strip wherein the strip is subjected to annealing and pickling, prior to cold rolling which meets the recited claims 1, 2,4 and 5.
7. Moreover, a preferred rolling reduction of at least 20% recited by claim 4 is met by prior art. See JP'446 in table 2 on page 4 teaches rolling reduction of 50 to 85%;

JP'100 in paragraph [0031] on page 4 teaches rolling with a reduction of 70%; and the English abstract of JP'816 teaches rolling with a reduction of at least 50%

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 6 to 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent 5-59446 (hereinafter JP'446), Japanese patent 2000-94100 or Japanese patent 5-255816 (hereinafter JP'816) in view of US Patent 5,759306 (hereinafter Tosaka) or US Patent 5,759307 (hereinafter Berger).

10. JP'446, JP'100 or JP'816 meet the recited invention for the reasons set forth in the 102 rejection but fails to specify rolling using a tandem rolling process. It is, however, well known and conventional practice in the metallurgical art to utilize a tandem roller for rolling steel strip or sheet, as evident by Tosaka on lines 49 to 52 in column 8 and hence would be a matter of choice well within the skill of the artisan to incorporate.

11. JP'446, JP'100 or JP'816 teach a process for the continuous production of steel strip wherein the strip is subjected to annealing, pickling followed by cold rolling, and would implicitly suggest the apparatus that is needed to perform the process which would include an installation for heating the strip to anneal, an installation for chemically treating the strip to pickle and installation for rolling the strip.

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12. Even though JP prior art does not specifically teach rolling with a tandem rolling mill as recited by claim 6 and wherein rolling stands are designed as a multi-roll cold-rolling mill with a 6-high or z-high roll arrangement as recited by claim 7, such would not be a patentable difference. Note that it is well known and conventional practice in the metallurgical art to utilize a tandem roller with six stands for rolling steel strip or sheet, as evident by Tosaka on lines 49 to 52 in column 8; and hence would be a matter of choice well within the skill of the artisan to incorporate.

13. Moreover, JP prior art does not teach the additional installations, such as metal grain shot –blasting unit, stretcher-leveling unit, trimmer unit or degreasing installation as recited by claims 9 to 12. These additional installations, however, are well known and conventionally utilized in the metallurgical art for producing metal strip as taught by Berger in figure 1 and lines 55 to 67 in column 2 and lines 1 to 7 in column 3 to further enhance steel strip properties. Note grain shot-blasting unit together with pickling ensures complete scale removal from steel surface, stretch-leveling unit further flattens and levels steel after annealing, degreaser cleans steel, and trimmer removes rough edges. Since a steel strip with a smooth and even surface is desired and sought by JP prior art, then it would be an obvious modification for one skilled in the art to incorporate the additional installations as recited by claims 9 to 12, to the JP system to produce no more than the known and expected effect from such an addition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah Yee whose telephone number is 571-272-1253. The examiner can normally be reached on Monday-Friday 6:00am-2:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Deborah Yee/  
Primary Examiner  
Art Unit 1742

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